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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,144

10/24/2005

Ralf Schaefer

CPB-MUL-30

3182

7590

04/02/2007

Charles P Boukus Jr
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2001 Jefferson Davis Highway
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EXAMINER

SHAW, CLIFFORD C

ART UNIT

PAPER NUMBER

1725

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/554,144

Applicant(s)

SCHAEFER, RALF

Examiner

Clifford C. Shaw

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1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1024.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Detailed Action

1.) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.) Claims 6, 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 6, it is not clear what angle limitation applicant intends to claim with the language "preferably form [sic] an angle of between 60 [degrees] and approximately 150 [degrees], preferably approximately 90 [degrees]". In claims 14 and 15, there is no antecedent basis for "the cutting device".

3.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.) Claims 1-8, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the EPO document no. EP90233A taken with both Thielmann (4,702,195) and the EPO document no. EP694360B1. The English abstract and figures 1, 2, and 5 of the EPO document no. EP90233A disclose a device for cleaning a welding torch nozzle with a cleaning device at 6 and a spray device 7 located away from the cleaning device. The claims differ from the EPO

document no. EP90233A in calling for the cleaning device to be movable toward and away from the nozzle holding device and in calling for the spraying device to be movable. These differences do not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used any conventional cleaning device in the system of the EPO document no. EP90233A. In particular, it would have been obvious to have used a cleaning device that moved toward and away from the torch nozzle, the motivation being the teachings of Thielmann (4,702,195) that such is useful in a nozzle cleaner (see elements 11 and 3 in figure 1 and the discussion at column 2, lines 6-15 in Thielmann (4,702,195)). It would have been obvious to have used any conventional spraying arrangement in the system of the EPO document no. EP90233A. In particular, it would have been obvious to have used a moveable spraying device, the motivation being the teachings of the EPO document no. EP694360B1 that such is useful for a nozzle spraying arrangement (see the English abstract and figure 1 of the EPO document no. EP694360B1 and note the moveable spraying device associated with element 5). The particular angular orientations claimed in the dependent claims are representative of routine and therefore obvious design choices in implementing the teachings of the combined references.

5.) Claims 9-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the EPO document no. EP90233A taken with Thielmann (4,702,195) and the EPO document no. EP694360B1 as applied to claims 1-8, and 17 above, and further in view of Thielmann (4,834,280). The only aspects of the claims to which the rejection above does not apply are the limitations directed to a cutting device. This difference does not patentably distinguish over the

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prior art. At the time applicant's invention was made, it would have been obvious to have provided the device for cleaning a nozzle of the EPO document no. EP90233A with a cutting device as claimed, the motivation being the teachings of Thielmann (4,834,280) that is is useful to provide a nozzle cleaning arrangement with a cutting device (see figure 1, elements 49 and 51 in Thielmann (4,834,280)). In regard to claim 14, it is considered obvious that the cutting device and the spraying device of the combination would be mounted on the same base, thus being "coupled mechanically".

6.) Claim 15 is objected to for depending from rejected claims and for not having proper antecedent basis for all of its elements (as discussed in the 35USC112 rejection above) but would be given favorable consideration if recast in independent form to include all of the limitations of the parent claims and if properly amended to overcome the rejection under 35USC112, 2nd paragraph set forth above. None of the prior art of record teaches or suggests a device for cleaning a gas nozzle with all of the features set forth in the claim, especially the limitations directed to a spray nozzle of the moveable spraying device being disposed on a knife holder.

7.) The patents to Thielmann (5,138,969) and to Von Der Ohe (7,053,335) and the Japanese document no. JP7-314142A are cited to show prior art welding torch nozzle cleaners.

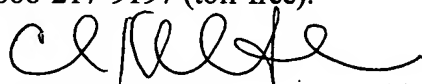
Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through

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Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Patrick J. Ryan, can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw
Primary Examiner
Art Unit 1725

March 29, 2007